

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1, 3-10 and 12-20 were pending in this application. Claims 19 and 20 have been cancelled. Accordingly, claims 1, 3-10 and 12-18 will be pending herein upon entry of this Amendment. Claims 1 and 10 are independent. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action, claims 1, 5, 10 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser et al. (U.S. Patent No. 6,385,596) in view of Gongwer et al. (U.S. Patent No. 6,138,120) in view of Speicher (U.S. Publication 2004/0260792) further in view of Pallakoff (U.S. Patent No. 6,269,343). Claims 3-4 and 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser et al., in view of Gongwer et al, in view of Speicher and further in view of Pallakoff. Claims 6 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser et al., in view of Gongwer et al, in view of Speicher, further in view of Pallakoff, further in view of Sauerwine (U.S. Patent No. 5,421,620) and further in view of Cameron (U.S. Patent No. 6,685,094). Claims 7-8 and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser et al., in view of Gongwer et al., in view of Speicher, further in view of Pallakoff, and further in view of Vigneaux et al. (U.S. Patent 5,852,435). Claims 9 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser et al., in view of Gongwer et al, in view of Speicher, further in view of Pallakoff and further in view of Candelore (U.S. Patent 6,057,872). Claim 19 was rejected under 35 U.S.C. §103(a) as being

unpatentable over Sparks et al. (U.S. Patent 6,298,385) in view of Speicher. Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sparks et al., in view of Speicher.

These grounds of rejections are respectfully traversed.

Preliminarily, the rejection of claims 19 and 20 is now moot in view of the cancellation of those claims. That leaves independent claims 1 and 10, and their respective dependent claims, pending herein. In a previous Amendment, claims 1 and 10 were amended to recite that:

credits are purchased by an end-user;
a predetermined number of credits are associated with each e-commerce transaction associated with remote servicing of the media program; and
pricing of said credits purchased by said end-user are inversely proportionate to a number of credits purchased

In a prior Office Action (mailed November 3, 2005), the foregoing features of the present invention were said to be disclosed by Candelore (6,057,872). The Examiner apparently agreed with the arguments presented regarding Candelore, but has now, in this latest Office Action (mailed June 14, 2006), asserted that these features are disclosed by Pallakoff. However, Applicants respectfully disagree.

Pallakoff discloses an on-line marketing system and method that discloses, among other things, a web page 21 that includes a field 24 that lists the price of products being offered at various demand levels, e.g., 2 to 5 for \$10.00, 6 to 20 for \$8.00, and 21 or more for \$4.00. In other words, Pallakoff discloses nothing more than bulk rate pricing, where the more one is willing to buy, the less-per-unit each unit costs.

However, this type of pricing of actual products has nothing to do with purchasing “credits” that can then be applied against “servicing of the media program” and where the

“pricing of said credits purchased by said end-user are inversely proportionate to a number of credits purchased.” In other words, Pallakoff describes volume sales where the purchaser purchases precisely what is being offered and the transaction is complete. On the other hand, the claimed invention requires that the end-user purchase credits that can subsequently be applied to a media program service (i.e., encoding media, hosting, etc.). In Pallakoff, there is no disclosure of how the purchased products can be used for subsequent service, let alone remote servicing of a media program, as recited in the independent claims.

Because Pallakoff fails to disclose the claimed credit purchasing feature, and none of the other prior art references of record overcome this deficiency, Applicants respectfully submit that the Office Action has failed to make a *prima facie* case of obviousness. As such, the §103(a) rejection of the claims should be withdrawn.

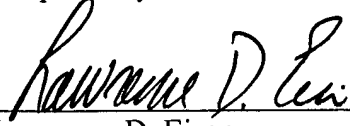
In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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Date: September 5, 2006

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